

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

IN RE JPMORGAN PRECIOUS METALS SPOOFING LITIGATION	Master Docket No. 18-cv-10356 (GHW) <u>CLASS ACTION</u>
THIS DOCUMENT RELATES TO: All Actions	

**MOTION OF THE UNITED STATES
FOR A FOURTH EXTENSION OF THE STAY**

The United States, through its undersigned counsel, submits this Motion for a Fourth Extension of the Stay of this consolidated civil action that is set to expire on May 30, 2021. The United States respectfully requests that the Court extend the current stay through December 15, 2021, which will extend the stay past the expected conclusion of a related criminal prosecution pending in *United States v. Smith, et al.*, Case No. 19 CR 669 (N.D. Ill.). The criminal case in *Smith* arises from substantially the same conduct, events, and time period as the allegations in this consolidated civil action. The government respectfully suggests that extending the stay would benefit this Court and all parties by minimizing redundant litigation, narrowing the scope of discovery and issues to be adjudicated in this case, and relieving potential defendants of the choice of having to potentially invoke their rights against self-incrimination.¹

¹ Additional detail regarding the *Smith* case, as well as further discussion of why a stay in this matter through the resolution of *Smith* is appropriate, is contained in the Motion of the United States for a Third Extension of the Stay (Dkt. No. 60), which is incorporated by reference herein.

Previously, on June 25, 2020, the Court extended the stay in this case through May 30, 2021 in light of the trial in *Smith* that was scheduled to begin in April 2021. After the Court extended the stay in this matter, the trial date in *Smith* was postponed until October 18, 2021 due to disruptions arising from the COVID-19 pandemic. The parties in *Smith* remain focused on moving forward with trial in October 2021. An extension of the stay in this consolidated civil action through December 15, 2021, therefore, is a reasonable period for a continuation of the stay because it is not open-ended and tied to the trial date in *Smith*.

Prior to filing this motion, the government conferred with counsel for defendant JPMorgan Chase & Co.; counsel for the individual defendants John Edmonds and Michael Nowak; and interim lead class counsel on behalf of all plaintiffs, and all stated that they do not oppose the government's request to extend the stay through December 15, 2021. The government also contacted counsel for individual defendant Robert Gottlieb, but as of the filing of this motion had not received a response from counsel regarding Mr. Gottlieb's position on the government's request to extend the stay.

CONCLUSION

For these reasons, the Motion of the United States for a Fourth Extension of the Stay seeking to stay this consolidated civil action through December 15, 2021 should be granted.

Dated: May 15, 2021

Respectfully submitted,

DANIEL S. KAHN
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By: /s/ Matthew F. Sullivan
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CERTIFICATE OF SERVICE

I, Mathew F. Sullivan, hereby certify that on May 15, 2021, I electronically filed the foregoing Motion of the United States for a Fourth Extension of the Stay with using the CM/ECF electronic filing system, which will automatically send a Notice of Electronic Filing to all parties.

/s/ Matthew F. Sullivan
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